AUG 23 1950
CHARLES ELMORE CROPLEY
CLERK

IN THE

Supreme Court of the United States

October Term, 1950.
No. 223.

STUDIO CARPENTERS LOCAL UNION No. 946, an unincorporated labor organization, as representative of its members,

Petitioner,

vs.

LOEW'S, INCORPORATED, a corporation, *et al.*,

Respondents.

Brief in Opposition to Petition for Writ of Certiorari on Behalf of Respondents Association of Motion Picture Producers, Inc., Loew's, Incorporated, Paramount Pictures, Inc., Warner Bros. Pictures, Inc., Columbia Pictures Corporation, Samuel Goldwyn Productions, Inc., Republic Productions, Inc., Hal E. Roach Studio, Inc., Twentieth Century-Fox Film Corporation, R. K. O. Radio Pictures, Inc., and Universal Pictures Company, Inc.

O'MELVENY & MYERS,
HOMER I. MITCHELL,
W. B. CARMAN,
433 South Spring Street, Los Angeles 13,
Counsel for Said Respondents.

Parker & Company, Law Printers, Los Angeles. Phone MA. 6-9171.

TOPICAL INDEX.

PAGE

Additional statement of facts 1

Argument 4

I.

The first cause of action does not state a claim for relief within the jurisdiction of the federal court 4

A. Section 301 of the LMRA does not give the federal court jurisdiction 4

B. Section 303 of the NLRA does not give the federal court jurisdiction in this action 11

C. The alleged failure of the employer defendants to bargain collectively with the union does not give jurisdiction to the federal courts 12

II.

No claim within the jurisdiction of the federal court is alleged in the second cause of action 12

TABLE OF AUTHORITIES CITED.

CASES	PAGE
Allen v. Corsano, 56 Fed. Supp. 169	14
Amalgamated Utility Workers v. Consolidated Edison Co., 309 U. S. 261	12
Amazon Cotton Mills Co. v. Textile Workers Union, 160 F. 2d 183	9
American Federation of Labor v. Western Union Telegraph Co., 179 F. 2d 535	11
Baron v. Kurn, 164 S. W. 2d 310	5
Barry v. Detroit Terminal Company, 11 N. W. 2d 867	5
Bodinson Mfg. Co. v. California Employment Commission, 17 Cal. 2d 321	13, 14
Christiansen v. Local No. 680, 10 A. 2d 168	6
Electrical Workers v. Baldwin, 67 Fed. Supp. 235	11
Finnish Workers Federation v. Horrocks, 42 Fed. Supp. 411	15
Gatliff cases, 142 F. 2d 876, 152 F. 2d 52	10
Hague v. Committee for Industrial Organization, 307 U. S. 496	15
Joint Council Dining Car Employees v. New York Cent. R. Co., 7 F. R. D. 376	7
MacKay v. Loew's Inc., 182 F. 2d 17	2
Milk Wagon Drivers Union v. Associated Milk Dealers, 42 Fed. Supp. 584	6, 7, 8
Onye v. Oklahoma City, 120 F. 2d 861	15
Schatte v. International Alliance, 182 F. 2d 158	2, 3, 4, 5, 7, 10, 11, 12, 13, 14, 16
Screws v. United States, 325 U. S. 91	13
Trudeau v. Barnes, 65 F. 2d 563	14
United Packing House Workers v. Wilson & Co., 80 Fed. Supp. 563	9

PAGE

United Steel Workers v. Shakespeare, 84 Fed. Supp. 267 10

Wilson & Co., Inc. v. United Packing House Workers, Fed. Supp. 162 10

Yazoo v. M. V. R. Co. v. Webb, 64 F. 2d 902 10

STATUTES

Civil Rights Act, Sec. 43 (8 U. S. C., Sec. 43) 13, 15

Civil Rights Act,Sec. 47(3) (8 U. S. C. 47(3)).....13, 14, 15

3 Deering's Cal. Gen. Laws, Sec. 56(a), p. 3358..... 14

Labor Management Relations Act of 1947, Sec. 301 .....
.....5, 7, 8, 10, 11

Labor Management Relations Act of 1947, Sec. 301(a) 9

Labor Management Relations Act of 1947, Sec. 301(b) 9

Labor Management Relations Act of 1947, Sec. 303 .....9, 11

Labor Management Relations Act of 1947, Sec. 303(a) 11

Labor Management Relations Act of 1947, Sec. 303(b) 11

PAGE

IN THE

Supreme Court of the United States

October Term, 1950.
No. 223.

STUDIO CARPENTERS LOCAL UNION No. 946, an unincorporated labor organization, as representative of its members,

Petitioner,

vs.

LOEW'S, INCORPORATED, a corporation, *et al.*,

Respondents.

Brief in Opposition to Petition for Writ of Certiorari on Behalf of Respondents Association of Motion Picture Producers, Inc., Loew's, Incorporated, Paramount Pictures, Inc., Warner Bros. Pictures, Inc., Columbia Pictures Corporation, Samuel Goldwyn Productions, Inc., Republic Productions, Inc., Hal E. Roach Studio, Inc., Twentieth Century-Fox Film Corporation, R. K. O. Radio Pictures, Inc., and Universal Pictures Company, Inc.

Additional Statement of Facts.

This action was originally filed as one for declaratory relief [R. p. 2] by petitioner (an A. F. of L. local union) as the nominal plaintiff against the International Alliance of Theatrical Stage Employees and Moving Picture Operators of the United States and Canada (another A. F.

of L. union) and a group of motion picture producers and their trade association. The International Alliance will be hereinafter referred to as the IATSE, and the producers as the Employer Defendants. The complaint was dismissed with leave to amend (84 Fed. Supp. 675). Petitioner then filed its "Amended Complaint for Damages" [R. p. 40] in which all references to declaratory relief were eliminated. Motions to dismiss this complaint for lack of jurisdiction and failure to state a claim were filed by Employer Defendants and the IATSE, and the District Court ordered the complaint dismissed with leave to amend [R. p. 90]. Petitioner formerly elected not to make any further amendments [R. p. 91], whereupon a judgment of dismissal was entered without opinion [R. p. 92]. Petitioner appealed to the Court of Appeals for the Ninth Circuit and the decision of the District Court was affirmed (180 F. 2d 168).

This is a companion case to that of *Schatte v. International Alliance* (182 F. 2d 158) and *MacKay v. Loew's Inc.* (182 F. 2d 17), in both of which cases Petitions for Certiorari have been filed and in each of which Employer Defendants are contemporaneously filing Briefs in Opposition. All three cases involve the same jurisdictional dispute and the same events occurring in the course thereof. Except for the fact that this case is brought by petitioner labor organization as nominal plaintiff, the complaint here is practically a repetition in somewhat different language of the allegations in the current *Schatte* case, omitting from this complaint allegations with respect to

the filing of unfair practices before the National Labor Relations Board, and allegations with respect to the claimed violation of the anti-trust laws. The Court of Appeals treated the *Schatte* opinion as decisive of all points here involved, and we think there can be no question but that it is so decisive. Rather, therefore, than repeat in lengthy form the arguments which we made in our Brief in Opposition to the Petition for Certiorari in the current *Schatte* case, we respectfully refer the Court to that Brief and will not burden it with a detailed repetition of the argument there presented.

We desire that it be especially noted that the petitioner in this case is *not* suing for any wrongs done to it or for any damage suffered by it. Both alleged causes of action purport to be for wrong done to and damages suffered *by the members* of petitioner labor organization. As a matter of fact, petitioner's counsel expressly refused in the District Court to amend the complaint to allege any wrong to or damage suffered by the Union [R. pp. 101-102, 104-105]. The case is thus identical in principle with the current *Schatte* case, except that here *the union* purports to act as representative to recover damages for its members because of their individual alleged injuries, whereas there a group of individuals purported to act as such representatives for the same purpose.

ARGUMENT.

As we pointed out in our Brief in the current *Schatte* case, the petition there presents no important or novel points at all, and the points that it does present were correctly decided by the Court of Appeals. The petition here concededly presents no point in addition to that determined in *Schatte*, although there are, by reason of the difference in the nominal plaintiff in this case, several reasons in addition to those expressed by the Court of Appeals why the complaint here fails to state any cause of action within the jurisdiction of the Federal court. We shall briefly review the petition here in the light of the complaint and the decision of the Court of Appeals to demonstrate its lack of merit.

I.

The First Cause of Action Does Not State a Claim for Relief Within the Jurisdiction of the Federal Court.

A. Section 301 of the LMRA Does Not Give the Federal Court Jurisdiction.

Petitioner did not allege here, as did the petitioners in the current *Schatte* case, that the Carpenters were discharged on September 23, 1946. Nevertheless, the complaint alleges that on that date petitioner's members were laid off and thereafter replaced by members of the IATSE, who were granted a closed-shop by the Employer Defendants [R. pp. 47-8]. If there were any employment agreements to be breached (which we deny), that was, of course, a complete breach of such employment agreement giving rise to an immediate and indivisible cause of action as held in the *Schatte* case. In fact, the cases of *Baron*

v. Kurn (Mo., 1942), 164 S. W. 2d 310, and *Barry v. Detroit Terminal Company* (Mich., 1943), 11 N. W. 2d 867, both involved situations of a layoff and replacement, in violation of contracts guaranteeing the individual employment or re-employment, and in both cases the court held that a single cause of action arose not later than the time of replacement. As we pointed out in our *Schatte* Brief, and as the Court of Appeals held, the LMRA provision granting a substantive right in the enforcement of labor contracts, which did not come into effect until June, 1947, cannot apply to a breach occurring in September, 1946.

There is another reason which the Court of Appeals found it unnecessary to discuss, but which is equally destructive of petitioner's claim to recover under Section 301. That is the fact that the labor organization is not suing here by reason of any damages suffered by it because of the breach of any labor contract, but solely for the purpose of enforcing claimed rights to damages *on the part of individual members.* We submit that Section 301, which opens the Federal courts to contract actions by and against employers and labor organizations, requires that the right to be vindicated in such action be a right possessed by such employer or such labor organization and not one asserted wholly in the interests of private individuals.

It is well settled that the union has no power or right, simply because it is a labor organization, to enforce the individual and private rights of its members or of employees which it represents against their employer on causes of action arising out of such employment for damages sustained by such individual employees. This is true though the acts of the employer constitute a breach of the

agreement for which the union also might itself secure the remedy to which its particular injuries entitles it.

In *Christiansen v. Local No. 680* (N. J., 1940), 10 A. 2d 168, the union attempted to enforce the right of action on behalf of certain employees who had been discharged in a claimed violation of contract. The Court denied relief, saying:

> "While their unjustifiable discharge may give them a cause of action on the contract, *it is a cause solely between them and Tuscan and not between the members of the Union collectively and Tuscan.* No relief in this respect can be had on the counterclaim."

In *Milk Wagon Drivers Union v. Associated Milk Dealers* (D. C. Ill., 1942), 42 Fed. Supp. 584, the action was almost identical with that of petitioner here. The union there sought to recover, for the benefit of individual members, money alleged to be due each member as wages under the terms of the union-company agreement. The Court dismissed the complaint saying:

> ". . . There was no contract with an employee until he accepted the terms offered by the employer by entering into employment. Then there was a contract between the employer and the employee, *a contract which the employee, not the union, may enforce.*
>
> "This is not to say, however, that the union has no interest in the matter of the wages which were part of the subject of the contract between it and the employers. While it may not maintain a suit to recover the wages, it is interested in the proper construction of its contract with the employers. . . . In my opinion, though this question was not argued,

> the union has a sufficient interest in the contract to entitle it to maintain an action for a judgment declaring the proper construction of this provision, *but not a suit to recover the wages.*"

Joint Council Dining Car Employees v. New York Cent. R. Co. (D. C. Ill., 1946), 7 F. R. D. 376, was a case similar to the *Milk Wagon Drivers* case. The Court there concluded:

> ". . . Before any right to recover money accrued to a member of the union, it is necessary that the employee enter upon a contract of employment in accordance with the terms of the agreement between the Local and the employer. *The right to recover money results from the contract of employment between the employer and employee and only the employee can sue to recover money due him.* The union has its right in the enforcement of its bargaining agreement, but *has no interest as an organization in the money due the members of the union.*"

It thus appears clear from the reported cases that plaintiffs' action here could not have been maintained even in a state court because plaintiff is admittedly not suing here for damage to the union but is suing for damage to its members as individuals. Local 946 has not alleged that it suffered any damage from the contract violations and other acts complained of.

The passage of Section 301 of the LMRA did not give the labor organization a right to sue which did not theretofore exist under state law. Reference to the actions of Congress, contained in Appendix B of our Brief in Opposition to the Petition in the current *Schatte* case, shows that it was the intent of Congress simply to create new Federal rights to enforce existing causes of action given

by the states to labor organizations and not to throw open Federal courts to a host of suits which could not theretofore have been brought in either Federal or state courts.

It will be noted that emphasis throughout the Congressional hearings and debates was on the treatment of the labor union as an "entity" analogous to a corporation. The congressional purpose in including Section 301 in the LMRA was to provide a convenient means for enforcement against labor unions of their solemnly undertaken obligations contained in collective bargaining contracts by permitting them to be sued on such contracts in the Federal courts and by providing procedural machinery for securing jurisdiction over them. As a concomitant, employers were also liable to suits on such contracts by the unions, but no provision was made for suits by individuals nor, we submit, could it have been intended that the unions could enforce against employers *individual* rights to wages, damages for discharge, loss of vacation and other benefits, or other individual and particular injuries which, as we have already shown, the unions could not enforce prior to the passage of the Act.

Even where an act of employer affects a large number of employees, as petitioner here claims, the individual effect as to each particular employee and the facts upon which recovery, if any, and the amount thereof, is predicated will vary in each individual case. For the same reason that the Court in the *Milk Wagon Drivers Union* case, *supra,* would not undertake to determine the separate rights of 3500 individual milk drivers in a suit by the union, so it is not to be expected that Congress intended to place upon the Federal courts the burden in this case of determining the separate rights of 2000 individual carpenters merely because the action is one brought by a labor organization.

Petitioner relies on the language of Section 301 (b) stating that "any such labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States" (Ptn. p. 9). It is well settled that this language is merely intended to make clear the capacity of labor unions to sue or be sued and in no way enlarges the class of cases in which the District Court is given jurisdiction. The only enlargement is that contained in Section 301(a) and Section 303.

Amazon Cotton Mills Co. v. Textile Workers Union (4th Cir., 1948), 160 F. 2d 183;

United Packing House Workers v. Wilson & Co. (D. C. Ill., 1948), 80 Fed. Supp. 563.

The LMRA gives to the union the right to sue for the breach of the collective bargaining agreement. The collective bargaining agreement, as today interpreted, creates mutual rights and obligations binding on both the union and the employer as entities. These rights are the subject matters of protection in the Federal courts. In this very case, if the union's claimed right to a closed shop existed and had been violated by the employers after the passage of LMRA, the union might sue to vindicate that right in a Federal court and collect such damages as *the union* has suffered thereby. Here, however, the union advisedly refuses to sue to vindicate *its* rights. It alleges no damage to it nor any effect upon it. Instead, the union comes in as a collection agency for various individuals whom it alleges have been denied an asserted right to continued employment. Such rights as the individuals might have would arise out of the *fact* of such employment and the individuals' self-determined desires, if they exist, to continue therein. It is true that the *terms* of that employment may have been regulated by the collective bargaining

agreement, but the *fact* of an employer's liability depends, not upon an agreement on the part of the union, but on the individual determination of a particular person to accept a job. The extent of that liability will vary with every individual and every employer.

For the adidtional reason, therefore, that Section 301 permits suit by labor organizations only to vindicate rights possessed by them and does not constitute the union a trustee for individual obligations owing to employees, the complaint states no cause of action within the jurisdiction of the District Court.

Most of the petitioner's cases have already been distinguished in our brief in the current *Schatte* case. The petitioner refers, however (Ptn. p. 9-11), to a few additional cases which petitioner claims establish its right to sue under Section 301. This they do not do. *Yazoo v. M. V. R. Co. v. Webb* (5th Cir., 1933), 64 F. 2d 902, was a diversity action for wages in which the Court held that the rights of the employee in question arose from his contract of employment with the employer and *not* from the collective bargaining agreement. The two *Gatliff* cases (6th Cir., 1944-45), 142 F. 2d 876, 152 F. 2d 52, were actions under the Fair Labor Standards Act and have nothing in them bearing on this case. *Wilson & Co., Inc. v. United Packing House Workers* (S. D. N. Y., 1949), Fed. Supp. 162, was an action by an employer against the union for damages for a strike. *United Steel Workers v. Shakespeare* (D. C. Mich., 1949), 84 Fed. Supp. 267, was an action primarily for declaratory relief because of the termination by the employer of a union contract. Damages were also asked. All that the Court held was that a claim was properly stated, which, of course, was correct since the union had the right to sue under Section 301 for

termination of its contract. *A. F. of L. v. Western Union Telegraph Co.* (6th Cir., 1950), 179 F. 2d 535, was a case for declaratory relief and injunction brought by the union to interpret pension plan provisions in a contract. *Electrical Workers v. Baldwin* (D. C. Conn. 1946, 67 Fed. Supp. 235) was an action for an injunction against interference with picketing and had nothing to do with Section 301.

B. Section 303 of the NLRA Does Not Give the Federal Court Jurisdiction in This Action.

This is the identical point made by the petitioners in the current *Schatte* case, which was correctly determined by the Court of Appeals in the opinion in that case as well as its opinion in this case, and which is covered in our brief in the current *Schatte* case to which we respectfully refer this Court. The allegations here are even more clear than in the *Schatte* case that the only threat made to anybody by the IATSE was made to the Employer Defendants [R. pp. 46, 47]. Such a threat is not a violation of Section 303. Furthermore, the threat was made in August, 1946, and Section 303 was not enacted until June, 1947, so that under no circumstances could jurisdiction be maintained under this section of the LMRA.

There is another and further reason why the complaint here does not allege any right under Section 303. Section 303(b) permits suits only by "whoever shall be injured in his business or property." We have already pointed out that the complaint here has alleged no injury whatever to the property or business *of the petitioner.* The only injury purported to be alleged is *to the employees* who are not parties. Consequently, under the plain language of the statute the complaint does not state a claim under Section 303(a).

C. The Alleged Failure of the Employer Defendants to Bargain Collectively With the Union Does Not Give Jurisdiction to the Federal Courts.

Again, this point is identical to that contained in the current *Schatte* complaint and it is answered completely by the Court of Appeals and by our Brief in Opposition to the Petition in that case. Failure to bargain is specifically made an unfair labor practice by both the NLRA and the LMRA. It is established by an unbroken line of authority, including the decision of this Court in *Amalgamated Utility Workers v. Consolidated Edison Co.* (1940), 309 U. S. 261, that the power of the Labor Board over unfair labor practices is exclusive and that no Federal court has power or authority to grant remedies for such unfair labor practices in an independent action.

II.

No Claim Within the Jurisdiction of the Federal Court Is Alleged in the Second Cause of Action.

The second cause of action relating to the filing of claims for unemployment benefits before the California Employment Commission is, while somewhat more detailed, in essence exactly the same as that alleged in the current *Schatte* case. In spite of the additional detail, it is important to note the allegations which are *not* included in this cause of action. While it is alleged that the defendant companies acted in conspiracy, there is no allegation that the state officers, or any of them, had any part in such conspiracy. The allegation is merely that the defendants, by their false representations, "thereby induced" and "caused" the state agency and its officers to do or refrain from doing certain acts. The state officers are not made parties to the action. It should also

be noted that there is no allegation that the plaintiff, or any of its members, pursued any remedy in the courts of California, although the existence of such a remedy for any errors on the part of the State Employment Commission is clear (*Bodinson Mfg. Co. v. California Employment Commission,* 17 Cal. 2d 321). There is no allegation that the treatment given plaintiff's members, or the law as applied to them, was any different than that accorded or applied to other persons under the same set of facts.

Again, the Court of Appeals has clearly and correctly answered petitioner's contention on this cause of action by its opinion in the current *Schatte* case. As we point out in our Brief in that case the decision is supported by cases from many other circuits. As far as Section 43 of the Civil Rights statutes is concerned (8 U. S. C., Sec. 43), it must be remembered that this is an action against the Employer Defendants and not against any state officials. These defendants did not act under "color of any statute, ordinance, regulation, custom or usage of any state or territory" as the section requires. *Screws v. United States* (1945), 325 U. S. 91, declared by petitioner to be in conflict with the decision here, is obviously not in point as regards the defendants against whom petitioner seeks judgment. That case involved a state officer, not private persons as are these defendants.

As far as Section 47(3), (8 U. S. C. 47(3) is concerned, it appears from the allegations of the complaint that what the petitioner is complaining of is alleged errors of law in the conduct of the hearings by the Employment Commission through alleged failure to permit inspection, exclusion of evidence, and erroneous legal conclusions. The only allegation of any act committed by

the Employer Defendants was the statement to the Commission that the employees left their work by reason of a trade dispute and the furnishing to the Commission of a list of the persons who had so left such employment, in accordance with the usual procedure. The California Act denies benefits to those who leave their work because of a trade dispute. (3 Deering's Cal. Gen. Laws, Sec. 56(a), p. 3358; see Petition in current *Schatte* case, Appendix A, p. 8.) Such allegations state no claim against these defendants under Section 47(3).

Furthermore, the failure of the claimants to follow up their legal remedies in the State court, which were ample and adequate to review any errors on the part of the Commission (*Bodinson Mfg. Co. v. California Employment Commission* (1941), 17 Cal. 2d 321), is a complete defense to any claim under Section 47(3). (*Trudeau v. Barnes* (5th Cir., 1933), 65 F. 2d 563; *Allen v. Corsano* (D. C. Del., 1944), 56 Fed. Supp. 169.) We also again call the Court's attention to the fact that the right to employment benefits arises out of the state law and that no claimant has any right to such benefits created in him by the Federal Social Security Act which is no more than an appropriation act. (See Brief in current *Schatte* case.)

Again there are other completely conclusive reasons, which the Court of Appeals considered unnecessary to note, why this complaint does not state a cause of action under the Civil Rights statute. It should again be noted that petitioner here purports to sue *on behalf of its members*. We know of no law, Federal or otherwise, which grants to a labor union the right to act as a sort

of trustee to enforce the personal injuries, though deprivation of civil rights, received by its members. The right to sue under both Sections 43 and 47(3) is specifically limited to "the party injured." Petitioner does not claim to be such party.

Petitioner here, not being a natural person, probably would not come within the protection of civil rights statutes (*Hague v. Committee for Industrial Organization* (1939), 307 U. S. 496, 514; *Oney v. Oklahoma City* (10th Cir., 1941), 120 F. 2d 861; *Finnish Workers Federation v. Horrocks,* 42 Fed. Supp. 411 (D. C. Wash., 1941)), but even if it were granted some protection under those statutes there is no allegation that any "civil right" which it possesses was in any way infringed by anybody. *Petitioner* is not alleged to have presented any claim before the Commission, requested or been denied any hearing, presented any evidence or been in any way connected with the matters alleged in this cause of action. It has not alleged any injury to it by virtue of the matters stated in the complaint. Since no civil right of petitioner has been injured, even assuming that it might have some such right, which the cases deny, the Federal courts are without jurisdiction of any action brought by it.

At pages 13 and 14 of its petition, petitioner alleges that the interpretation of the law given by the California Employment Commission conflicted with certain decisions of the state courts construing the Unemployment Insurance Act. Certainly it is hard to believe that petitioner expects a *Federal* court, and especially the Supreme Court of the

United States, to determine whether or not the Employment Commission erred in its interpretation of purely local law, especially where petitioner did not itself seek a review in the state courts! Therefore there is no reason for us here to establish (as we are sure we could), that the California Employment Commission correctly applied state law.

We submit that it is clear, for the reasons stated in the Court of Appeal's opinion, in this Brief, and in our Brief in the current *Schatte* case, that the Petition for Certiorari should be denied. It presents no new or important questions, and it was correctly decided below, both for the reasons there stated and for the additional reasons set forth herein.

Respectfully submitted,

O'MELVENY & MYERS,
HOMER I. MITCHELL,
W. B. CARMAN,
Counsel for Employer Respondents.

Office - Supreme Court
FILED
OCT 24 1950
CHARLES ELMORE CROPLEY

IN THE

Supreme Court of the United States

October Term, 1950.

No. 223.

STUDIO CARPENTERS LOCAL UNION No. 946, an Unincorporated Labor Organization, as Representative of Its Members, *Petitioner*,

v.

LOEW'S, INCORPORATED, PARAMOUNT PICTURES, INC., WARNER BROTHERS PICTURES, INC., COLUMBIA PICTURES CORPORATION, SAMUEL GOLDWYN PRODUCTIONS, INC., REPUBLIC PRODUCTIONS, INC., HAL E. ROACH STUDIO, INC., TWENTIETH CENTURY FOX FILM CORPORATION, R. K. O. RADIO PICTURES, INC., UNIVERSAL PICTURES COMPANY, INC., ASSOCIATION OF MOTION PICTURE PRODUCERS, INC., THE INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES AND MOVING PICTURE OPERATORS OF THE UNITED STATES AND CANADA, RICHARD F. WALSH and ROY M. BREWER, *Respondents*.

PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI.

ZACH LAMAR COBB,
929 Citizens National Bank Building,
Los Angeles 13, California
Counsel for Petitioners.

PRESS OF BYRON S. ADAMS, WASHINGTON, D. C.